

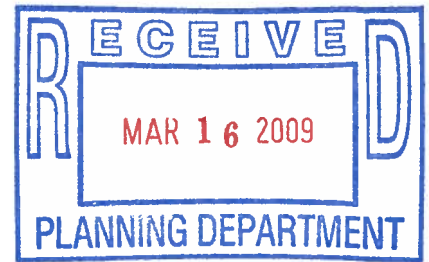
STATEMENT OF JUSTIFICATION

Fairfield at Ryan's Corner

Zoning Map Amendment Petition and Special Exception Application Rezoning from R-16 and R2 to R-24 ADU

Tax Map Numbers 79-19 (MCPI # 119-30-8632), 79-20 (MCPI # 088-35-1337), 79-20A (MCPI # 119-30-7007), 79-20B (MCPI # 119-30-6135), 79-20C (MCPI # 119-30-9304), 79-21 (MCPI # 088-25-2998), 79-22 (MCPI # 119-20-6350), 79-23 (MCPI # 119-20-8059), and 79-24 (MCPI # 088-25-6368)

22.5 Acres
March 16, 2009



I. Introduction and Description of Request

Fairfield Ryan's Corner, LLC and West Church Road, LLC (hereinafter, the "Applicant") are the owners of nine parcels (hereinafter, "Subject Property"), consisting of approximately 22.5 acres and located at the northwest quadrant of the intersection of Shellhorn Road (Route 643) and Ashburn Village Boulevard (Route 772) in the Ryan's Corner area of the Dulles Election District of Loudoun County. The Subject Property is more particularly described as Tax Map 79, parcels 19, 20, 20A, 20B, 20C, 21, 22, 23, and 24 (MCPI #119-30-8632, 088-35-1337, 119-30-7007, 119-30-6135, 119-30-9304, 088-25-2998, 119-20-6350, 119-20-8059, and 088-25-6368, respectively).

The Subject Property is bordered on the north by both the Farmwell Hunt and Crossroads Manor communities (both of which are zoned PDH-4), as well as a variety of older homes (split-zoned R-2, R-C, and CR-1); on south by Ryan Park Center (split-zoned PD-CC-SC and PD-OP) and the Dulles Greenway property owned by Toll Road Investors Partnership II (zoned PDH-4); on the east by the Ryan Park Center and Flynn's Crossing communities (zoned R-16); and on the west by the Parkside at Ashburn community (zoned R-16). The Subject Property is subject to

the Revised 1993 Loudoun County Zoning Ordinance (hereinafter, "Revised 1993 Zoning Ordinance"). Moreover, the Subject Property is located within the one mile buffer of the Ldn 60 airport noise contour, and is therefore subject to the Airport Impact Overlay District.

The Applicant is filing this Zoning Map Amendment Petition application (hereinafter, "ZMAP") to rezone the Subject Property from the R-2 (Single Family Residential) and R-16 (Townhouse/Multifamily Residential) zoning districts to the R-24 Affordable Dwelling Unit (Multifamily Residential with Affordable Dwelling Unit) zoning district in order to develop 540 multifamily garden-style apartments, 34 of which (or 6.25 percent of the total number of units) are intended to be offered as affordable dwelling units (hereinafter, "ADUs") under the provisions set forth in Section 7-1000 of the Revised 1993 Zoning Ordinance. The Applicant is also requesting a Zoning Modification (hereinafter, "ZMOD"), processed as a Special Exception application (hereinafter, "SPEX"), of Sections 7-1003(C)(1) and 7-1003(C)(2) of the Revised 1993 Zoning Ordinance in order to reduce the required 25 foot minimum front yard setback, and the 10 foot and 25 foot side yard setbacks.

The Applicant is proposing to develop four-level garden apartments within a gated community. The Subject Property will be supplied with public water and sanitary sewer available via Loudoun Water central sanitary sewer and public water utility systems. While the size of each apartment unit has yet to be determined, the Applicant anticipates that the units will consist of one, two, or three bedroom apartments. Parking for residents will be provided in garages and community parking areas, including parallel parking on certain internal streets. Additionally, the Subject Property will be connected by an internal sidewalk network as well as links to the

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surrounding pedestrian network through the construction of 10-foot wide multipurpose trails. These trails will not only benefit the residents of this development, but other bicyclists and pedestrians in the surrounding area that utilize the site periphery for access to the amenities of the Route 772 Metrorail transit station area and other nearby uses.

II. Existing Zoning and Legislative Approval History

The Subject Property is presently split zoned R-16 (Townhouse/Multifamily Residential) and R-2 (Single Family Residential). Eight of the nine parcels included in the Subject Property are subject to two previous legislative approvals by the Board of Supervisors, and accordingly, the Subject Property is easily grouped into three smaller assemblages: The "Pulte Ryan's Corner" assemblage, the "Huntmore at Waxpool" assemblage, and the "Cherok" assemblage. Each assemblage is described in greater detail following the below chart which categorizes each parcel:

PARCEL	ACREAGE	EXISTING ZONING	ASSEMBLAGE
79-20C (MCPI # 119-30-9304)	±1.00 ac.	R-16	Pulte Ryan's Corner
79-21 (MCPI # 088-25-2998)	±6.72 ac.	R-16	Pulte Ryan's Corner
79-22 (MCPI # 119-20-6350)	±0.50 ac.	R-16	Pulte Ryan's Corner
79-23 (MCPI # 119-20-8059)	±4.48 ac.	R-16	Pulte Ryan's Corner
79-24 (MCPI # 088-25-6368)	±1.50 ac.	R-16	Pulte Ryan's Corner
79-20 (MCPI # 088-35-1337)	±2.40 ac.	R-16	Pulte Ryan's Corner
79-20B (MCPI # 119-30-6135)	±2.62 ac.	R-16	Huntmore at Waxpool
79-19 (MCPI # 119-30-8632)	±1.90 ac.	R-16	Huntmore at Waxpool
	+0.22 ac. (Conveyed 6-12-08 through Instrument #200806120035773)		
79-20A (MCPI # 119-30-7007)	±1.00 ac.	R-2	Cherok
	+0.10 ac. (Conveyed 6-12-08 through Instrument #200806120035771)		

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The "Pulte Ryan's Corner" assemblage included six parcels (Tax Map Parcels 79-20, 29-20C, 79-21, 79-22, 79-23, and 79-24) consisting of approximately 16.6 acres, and was rezoned through ZMAP 2003-0013 to the R-16 zoning district to allow for townhouse/multifamily residential development. Under the existing zoning entitlements granted in that rezoning application, the Pulte Ryan's Corner assemblage may be developed as a residential community with a maximum of 143 single-family attached dwelling units in conformance with the proffered conditions and the R-16 zoning district regulations.

The "Huntmore at Waxpool" assemblage included two parcels (Tax Map parcels 79-20B and 79-19) consisting of approximately 4.52 acres, and was rezoned as part of ZMAP 2003-0003 to R-16 (Townhouse/Multifamily Residential) to permit the development of 37 single-family attached dwelling units. This rezoning is subject to a Rezoning Plat and Proffers, which restricts the development to an approved layout and requires concessions that run with the land unless they are amended or superseded by a subsequent rezoning action. On March 14, 2006, a Zoning Concept Plan Amendment (ZCPA 2005-0013) to the original rezoning, ZMAP 2003-0003, was approved for the Huntmoore at Waxpool Property to amend the original Rezoning Plat and Proffers in order to address a discrepancy discovered during the preliminary site plan review. The Rezoning Plat and Proffers approved as part of ZMAP 2003-0003 were thereafter revised to address this discrepancy, but no additional changes to the site layout or proffer contributions were implemented in the revised Rezoning Plat and Proffers. ZCPA 2005-0013 was approved by the Board of Supervisors on March 14, 2006.

The “Cherok” assemblage consists of one, one-acre parcel (Tax Map #79-20A). According to the Loudoun County Land Management Information System, the Cherok Property has not been subject to any legislative applications such as a rezoning or special exception and thus is not encumbered by any proffers, developments conditions or rezoning plats that may limit the development of the property.

III. Comprehensive Plan

The Subject Property is governed under the land use policies of the Revised General Plan. The Subject Property is located within the Ashburn Community Sector of the Suburban Policy Area and is recommended for high-density residential development. The Revised General Plan defines high-density residential as development between 8.0 and 16.0 dwelling units per acre, but states that densities can range up to 24.0 units per acre in the Dulles Greenway corridor. Both the residential policies and design guidelines of the Revised General Plan place importance on the provision of adequate open space in high-density developments.

Because the Subject Property is located between 0.5 and 1.0 miles from the future Route 772 Metrorail transit station, it is therefore considered part of the “Transit Supportive Area,” in which land use on the property should match the underlying planned land use but should be designed in a manner that compliments the multi-modal transportation system required for an active and successful transit node.

IV. Environmental and Historic Resource Considerations

The Subject Property includes no major environmental or archaeological features, as indicated by the submission package for ZMAP 2003-0013 currently on file in the Loudoun County Department of Planning. There are no major or minor floodplains located on the Subject Property. A Phase I archaeological survey was previously conducted in March 2003 for that portion of the Subject Property located east of existing Ryan Corner Place by Thunderbird Archeological Associates. A Phase I archaeological survey was conducted in January 2003 for the portion of the Subject Property located west of existing Ryan Corner Place. No artifacts of significance were recovered at the site and no further study of the site was recommended.

V. Proximity of Public Transportation

The Subject Property is located within close proximity to both a planned bus station (to be located at the approved "Loudoun Station" mixed-use development) and the planned Route 772 Metrorail transit station (to be located in the median of the Dulles Greenway adjacent to Loudoun Station). The proposed residential density near this transit node will enable Loudoun County to capitalize on the investment made in bus and rail transit. These modes of transit will be available for use within the same time frame as the completion of the proposed development and will offer regularly-scheduled service that will be convenient and accessible to the proposed development. It is anticipated that the Applicant's request for higher density at this location will reduce per capita automobile use and will allow bus and rail service to effectively compete as alternative modes of transportation.

By providing a higher density of apartments in close proximity to the future Route 772 Metrorail transit station, in place of the existing approved townhouse plans discussed above in Section II, this proposal will assist Loudoun County in providing a range of affordable housing opportunities within close proximity to mass transit. It is anticipated that the proposed garden-style apartments will appeal to all age ranges that seek transit accessibility, in particular, young professionals and senior citizens. By virtue of its location on an infill site in eastern Loudoun County, the proposed development seeks to meet the goals of the comprehensive plan by providing higher density housing and affordable dwelling opportunities in close proximity to mass transit without overwhelming existing residential communities.

VI. Provision of Affordable Dwelling Units ("ADU's")

As Loudoun County's population grows, the Applicant is a willing participant in the County's effort to provide affordable housing options. In many instances, the individuals served by the County's Affordable Housing programs provide essential services (teachers, police, etc.) to the higher paid more established buyers in new and expanding communities. Inclusion of ADU's in this application is particularly appropriate due to the Subject Property's proximity to planned shopping centers, banks, restaurants, parks, and transit options. Accordingly, the Applicant is proposing to construct 34 ADU's to ensure that a portion of Loudoun County's housing stock will remain affordable to low and moderate income families. The units will be dispersed among the single-family attached units constituting approximately 6.25 percent of the

total proposed units, which is in-line with the requirements of Article 7 of the Revised 1993 Zoning Ordinance.

VII. Open Space, Tree Cover, and Buffer Yards

Open Space/Civic Space: The Applicant will provide 2.4 acres of active recreation space which appropriately addresses the R-24 district regulations. Active recreation space will include trails, two tot lots, an accessory clubhouse and two pools. All recreation spaces will be maintained by the Applicant. Given the site's constrained size (22.5 acres), it is difficult to meet all of the civic needs of the residents on-site. In addition to the on-site clubhouses, the surrounding Ashburn area includes civic and meeting spaces within close proximity to the site that are able to address the civic needs of the residents, such as: the Heritage Baptist Church; Broadlands Community Church; and the Ashburn Masonic Lodge. Additional land uses in the vicinity of the site that will provide gathering spaces for residents include the restaurants and retail areas of Ryan Park Center and the future transit oriented developments of Loudoun Station and Moorefield Station.

Tree Save Areas: The Revised General Plan also directs new development, to the extent possible, to preserve and maintain trees and native vegetation on site. The Revised General Plan states that the County's forests and trees improve air and water quality, offer important habitat for wildlife, are excellent buffers between communities, conserve energy, reduce wind speed and redirect airflow, reduce stormwater runoff and soil erosion, and can increase real property values (Revised General Plan, text, p. 5-32). While there are some stands of Eastern Red Cedar, Ash,

and Eastern Red Maple on the Subject Property (particularly on the Huntmore at Waxpool and Cherok assemblages), the balance of the property is either cleared, highly disturbed by prior human activity, or has a scattering of newer-growth trees due to previous agricultural and residential activities.

Buffer Yards: Type 1 and Type 2 buffer yards and landscaping shall be completed in accordance with Section 5-1400 of the Revised 1993 Zoning Ordinance. All tree planting and replacement will conform to Section 1400 of the Loudoun County Facilities Standards Manual and Section 5-1300 of the Revised 1993 Zoning Ordinance.

VIII. Transportation

The Subject Property enjoys excellent access from Shellhorn Road (Route 643) and Waxpool Road (Route 625) as well as secondary access to Ashburn Village Boulevard (Route 772) and the Dulles Greenway (Route 267). Access to the proposed development will be provided via Shellhorn Road opposite Ryan Park Terrace and Waxpool Road opposite Ashburn Road. A network of internal streets will serve the proposed development, will be privately maintained by the Applicant, and will be constructed in conformance with the Virginia Department of Transportation's Subdivision Street Requirements. The internal private streets will vary in width depending on the provision of on-street parking. These dimensions will be similar to older, established multifamily neighborhoods, and, together with the apartments themselves, will form an attractive streetscape. Parking spaces will be provided in accordance with Revised 1993 Zoning Ordinance requirements.

According to the traffic impact analysis prepared by Wells & Associates, the proposed development will produce 268 AM peak hour trips, 315 PM peak hour trips and 3,396 daily trips on the local roadway network. This represents 179 more AM peak hour trips, 210 more PM peak hour trips, and 1,682 more daily trips than the current approved density. Much of the surrounding road network is largely built or proffered to be built, and the major intersections in the study area currently operate at capacity. Development within the vicinity of the Subject Property is projected to increase dramatically over the next five to ten years. The intersections in the vicinity of the Subject Property will operate at similar levels of service, with or without the inclusion of the proposed development.

Shellhorn Road in the vicinity of the Subject Property is a four- to six-lane undivided and divided section and is presently constructed to its ultimate design as called for in the Countywide Transportation Plan (hereinafter, "CTP"). Waxpool Road in the vicinity of the Subject Property is a paved, two-lane shoulder and ditch road. The CTP calls for this segment of Waxpool Road to be improved to a U4 urban minor collector with 70 feet of right-of-way and a 40 mile per hour design speed. Ashburn Village Boulevard (Route 772) is planned to eventually be a six-lane wide U6M urban major collector.

The Applicant proposes to utilize existing turn lanes at the future site driveway on Shellhorn Road, widen existing Waxpool Road to a four-lane undivided roadway between

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Ashburn Road and Faulkner Parkway, provide regional road contributions towards the installation of a new traffic signal at the Ashburn Road/Site Entrance intersection (if warranted and approved by VDOT) and provide regional transportation and transit proffers that exceed those approved under the current density. The proposed proffer commitments for this project will exceed those previously approved and will effectively mitigate site-generated trips.

Ryan Corner Place is presently a two-lane rural section that is used by residents of the "Parkside at Ashburn" community for gated secondary access. The Applicant is proposing to abandon the existing Ryan Corner Place, and construct a new two-lane paved section to serve the existing Parkside at Ashburn residents, as well as provide gated secondary access for the proposed new development. The relocated Ryan Corner Place will run from a cul-de-sac at the southwestern corner of the Subject Property, along and inside the Subject Property's western property line to a new signalized intersection opposite Ashburn Road (Route 641). The existing Shellhorn Road/Waxpool Road/Ryan Corner Place intersection is being eliminated through the re-routing of Ryan Corner Place (by the Applicant) and the construction of the cul-de-sac for Shellhorn Road north of its current intersection with Waxpool Road (by others). These measures will greatly improve the performance of Waxpool Road along the Subject Property's frontage.

As mentioned above in Section III, the Subject Property is located between 0.5 and 1.0 miles walking distance of the planned Route 772 Metrorail transit station, which will be located in the median of the Dulles Greenway, near the planned Loudoun Station/Moorefield Station

developments. These planned projects will provide a destination transportation development hub that will consist of bus drop-off and pick-up points and eventually Metrorail access. While park-and-ride facilities for commuters are not planned for the Route 772 bus station area, the Route 772 Metrorail transit station design calls for a bus drop-off area, kiss-and-ride area, and an elevator facility to connect the rail platform with the local street network. To further emphasize the project's transit adjacency the Applicant is proffering to construct a bus shelter near the Subject Property's entrance on Shellhorn Road. Higher density development that is transit-oriented and pedestrian-friendly is an effective plan for responsible growth.

IX. Zoning Map Amendment Review Criteria

Section 6-1211(E) of the Revised 1993 Zoning Ordinance contains application evaluation criteria for approval of ZMAP applications, and in considering a ZMAP application, the enumerated factors shall be given reasonable consideration. The Revised 1993 Zoning Ordinance specifies that the Applicant is to address each factor in its statement of justification (unless such criteria is deemed inapplicable to the application). The following represents the Applicant's response to these issues:

(1) Whether the proposed zoning district classification is consistent with the

Comprehensive Plan: The proposed R-24 ADU zoning district is consistent with the Comprehensive Plan. The Revised General Plan calls for high-density residential development in this area at densities between 8.0 and 24.0 dwelling units per acre. A

more complete analysis of the TOD policies of the Revised General Plan is provided in Section III., above.

- (2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate:** Significant residential and commercial development has occurred, and is occurring, near the Subject Property, including Moorefield Station, Loudoun Station, Broadlands, the Shoppes at Ryan Park, and Ryan Park Center. Furthermore, the future Dulles Metrorail Extension project (which is scheduled to be completed in 2015) will provide a dynamic transportation center that will require higher residential densities to create a powerful economic engine for the County.
- (3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity:** The uses permitted in the proposed zoning district (R-24 ADU) are slightly more dense than those permitted in nearby developments to the north, east, and west yet compatible with the Revised General Plan policies that govern this area.
- (4) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned:** Adequate infrastructure including sewer and water; transportation; school; and other facilities exist, or will exist, in the future to adequately

serve the proposed development. While the scheduled extension of rail service provides an indisputable rationale for the development of the Subject Property at a higher density, the densities proposed are not wholly dependent on rail service. Based on the amount of residential units developed, the Applicant will provide a capital facilities contribution to offset the proposed development's impact on school costs.

(5) The effect of the proposed rezoning on the County's ground water supply: Since public sewer and water will be used, the proposed development will have a negligible effect on the County's ground water supply. Any wells and drainfields located on the Subject Property will be properly abandoned. All necessary extensions of existing utility lines will be provided to the site at no expense to Loudoun County or Loudoun Water. All extensions and connections shall be provided in accordance with Loudoun Water standards and requirements.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils: While development of the Subject Property will take into account the structural capacity of the soils through the completion of soils studies that will be conducted at the site plan stage, the Applicant feels that the proposed use will not have a negative effect on the structural capacity of the soil.

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- (7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas:**

The Applicant has designed the proposed development to take advantage of the anticipated completion of bus and rail transit facilities at the Route 772 Transit Station Area. Residents of the Subject Property will be able to access the Route 772 Transit Station Area through pedestrian, bus transit, or automobile connections. Since the Subject Property is currently served by an excellent road network, construction traffic will have little need to drive through existing neighborhoods or school areas. The proposed development also includes a comprehensive sidewalk and trail system to access the Subject Property and individual residences.

- (8) Whether reasonably viable economic use of the subject property exists under the current zoning:** While existing zoning presently allows a reasonable use of the Subject Property, it's not the most appropriate use/density when implementing the Revised General Plan's vision for Transit Service Area development.

- (9) The property contains a reasonable economic use that does not conform to the intentions of the Comprehensive Plan.** The Subject Property contains a reasonable economic use that does not conform to the intentions of the Comprehensive Plan. The

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property would be underutilized if it were developed as uncoordinated single family detached and single family attached projects in close proximity to a future Metrorail station with access to bus transit. Over time, a project that were developed with a single family housing type, as opposed to the multifamily development proposed as part of this application, would result in additional costs being incurred by the County.

The proposed project will provide a more positive economic benefit to the County, in contrast to the two previously approved developments which could be constructed with a similar transportation impact, but with less compensatory proffers. Factors such as a consolidated land plan, regional road contributions, and lower costs to service the project should all be considered when evaluating the reasonable economic use of the Subject Property.

- (10) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality:** The existing conditions have been previously disturbed. Relatively little animal habitat exists on the Subject Property and no rare, threatened, or endangered species have been recorded on the Subject Property. The Applicant will meet all County storm water guidelines at the time of Site Plan review. Given the reasonable increase in automobile trips and the pedestrian amenities that will encourage non-motorized transportation as well as bus and

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Metrorail ridership, air quality will not be significantly affected by the proposed development. No archeological sites were found on the property.

- (11) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base:** This application proposes residential development in an area planned for such uses, but will not provide long-term employment. It is, however, located in an area designated by the Revised General Plan for Transit Supportive Area development, which encourages residential uses in the land use mix.
- (12) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth:** The proposed rezoning is in conformance with the land use and density policies of the Revised General Plan, which call for residential development at this location.
- (13) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies:** This area was planned for residential uses in order to accommodate future projected population growth.

- (14) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County:** The proposed rezoning application is consistent with the land use and residential density policies for this portion of the County as set forth in the Revised General Plan. The Revised General Plan calls for residential development between 8.0 and 24.0 dwelling units per acre in this area. The proposed development density complements the surrounding uses while not overburdening existing neighborhoods.
- (15) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County:** The proposed rezoning is consistent with the land use and residential density policies for this portion of the County as set forth in the Revised General Plan. The Applicant is proffering capital facility contributions above one dwelling unit per acre (the base density in the Suburban Policy Area), and the infrastructure currently in place will accommodate the planned development. The application also provides affordable housing in conformance with Revised General Plan policy and Revised 1993 Zoning Ordinance requirements.
- (16) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County:** The Applicant proposes to provide ADU's as called for by the Revised General Plan and as prescribed by Section

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7-900 of the Revised 1993 Zoning Ordinance. Based on the amount of units proposed, 34 ADU's will be constructed. All residents of the proposed development will benefit from the availability of transit options. The proximity of future bus and rail transit service as well as pedestrian and bicycle networks will provide residents with a legitimate transportation alternative to the automobile.

- (17) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance:** There are no natural, scenic, archaeological or historic features of significance on the Subject Property.

X. Zoning Modification ("ZMOD")

The Applicant is requesting a modification to Section 7-1003 (C)(1) of the Revised 1993 Zoning Ordinance. This yard modification is being requested to modify the front yard along the Parkside at Ashburn boundary to allow garages to locate up to 10 feet from this property boundary. The following modification is being requested:

(A). Modification of Section 7-1003 (C)(1)

Existing Provision: Section 7-1003(C)(1): Lot and Building Requirements, Yards, Front. 25 feet minimum.

Request: To allow garages to locate up to 10 feet from the property boundary.

Justification: To allow freestanding garages to locate in this yard, the Applicant is requesting a modification of the front yard from 25 feet to 10 feet (Zoning Staff

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has identified the yard running along the boundary with Parkside at Ashburn as a front yard, which limits the modification request to Section 7-1003(C)(1) of the Zoning Ordinance). This modification originated from a request by the residents of the Parkside at Ashburn neighborhood to screen the proposed parking without moving multi-family buildings closer to the property line. Providing well designed garages abutting the property line will serve to address the concern of the Parkside at Ashburn residents by screening the noise and lighting impacts of the proposed parking area that may have otherwise impacted their property.

XI. Special Exception ("SPEX") Issues for Consideration

Since these ZMOD requests will be processed as a SPEX application, the Applicant is required to address the following Special Exception Issues for Consideration listed in Section 6-1310 of the Revised 1993 Zoning Ordinance:

(A) Whether the proposed special exception is consistent with the Comprehensive Plan.

The Revised General Plan calls for high-density residential development in this area at densities between 8.0 and 24.0 dwelling units per acre.

(B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control. All applicable fire hazards will

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be addressed through the implementation of effective fire control measures to maximize safety on the Subject Property.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

The Subject Property will not emanate any noise that will negatively impact the uses in the immediate area.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area. The Subject Property will not emit any glare or light that will negatively impact the uses in the immediate area. The exterior lighting will be directed downward, will be fully shielded, and will be in full conformance with Revised 1993 Zoning Ordinance requirements.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels. The proposed special exception is compatible with the Revised General Plan. The majority of uses to the east, west, and north of the Subject Property are residential in nature. To the south, an existing retail center is located between the Subject Property and the future Route 772 Metrorail transit station. The multifamily nature of the proposed use will enable it to appropriately blend with the adjacent uses.

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- (F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.** The Applicant will provide the necessary landscaping, buffering, and screening to accommodate the requirements included in the Revised 1993 Zoning Ordinance.
- (G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.** Based on the professional studies commissioned by the Applicant and the previous responses in Section IX., the proposed special exception will not negatively affect the preservation of any topographic, or physical, natural, scenic, archaeological or historic feature of significant importance.
- (H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.** Based on the professional studies commissioned by the Applicant and the previous responses in Section IX., the proposed special exception will not negatively affect existing animal habitat, vegetation, water quality or air quality.
- (I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.** The proposed multifamily

residential project will contribute to and promote the welfare and convenience of the public by providing residential housing in close proximity to transit options. This proximity to transit will encourage residents to reduce their automobile trips in favor of the available transit options.

- (J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.** The proposed road, trail, sidewalk, and transit construction improvements and contributions will enhance the existing transportation infrastructure to sufficiently accommodate the impacts of the proposed development.
- (K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.** There are no existing structures proposed to be converted to uses requiring a special exception.
- (L) Whether the proposed special exception will be served adequately by essential public facilities and services.** The proposed special exception will be adequately served by essential public facilities and services.

- (M) **The effect of the proposed special exception on groundwater supply.** The proposed special exception will not have a negative effect on groundwater supply.
- (N) **Whether the proposed use will affect the structural capacity of the soils.** The proposed special exception will not affect the structural capacity of the soils.
- (O) **Whether the proposed use will negatively impact orderly and safe road development and transportation.** The proposed road construction improvements and contributions will enhance the existing road network and will positively impact orderly and safe road development in the vicinity of the Subject Property.
- (P) **Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.** The proposed project will provide a positive economic benefit to the County, but will not serve as an employment center due to its residential nature. Factors such as a consolidated land plan, regional road contributions, and lower costs to service the project, as compared to other housing options, will all contribute to the economic benefits of the project. Additionally, the future Route 772 Metrorail transit station will provide a dynamic transportation center that will be benefited by higher residential densities within close proximity.

- (Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.** The proposed special exception does not have an agricultural or industrial element that would warrant future consideration.
- (R) Whether adequate on and off-site infrastructure is available.** Adequate on and off-site infrastructure is available.
- (S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.** The Subject Property will not emanate any odors that will negatively impact adjacent uses.
- (T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.** Any construction traffic that will access the Subject Property will do so via collector roads that will not have an impact on neighborhoods or school areas.

XII. Conclusion

The proposed project is consistent with the density policies of the Revised General Plan and the Revised 1993 Zoning Ordinance. In addition to providing a density commensurate with the policies of the Plan, the Applicant is providing affordable dwelling units that will serve to offset the lack of affordable dwelling units in the County. The Applicant is seeking to combine a series of in-fill lots that will eliminate an existing hazardous intersection, create a unified

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residential development that will be located near planned mass transit, and will be of a density that will assist in providing a range of walkable, affordable housing opportunities and choices for Loudoun County residents.